HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

WRIT PETITION No.2862 of 2006

Between:

D.Mohan Reddy & another. …Petitioners.

AND

District Collector, Ongole,

Prakasam District & others. …Respondents.

-

:: ORDER ::

Counsel for the Petitioners : Sri A.Sudarshan Reddy

Counsel for Respondent Nos.1 to 3 : Government Pleader for Revenue

Counsel for Respondent Nos.4 & 5 : Government Pleader for Mines & Geology.

16th FEBRUARY 2006

Per G.S.Singhvi, C.J.

This writ petition filed in the name of public interest for directing the respondents to stop mining operations in Revenue Sy.No.78 of Karumanupalli village, Tarlupadu Mandal, Prakasam District, and for cancellation of the mining lease granted in the

said Survey Number is liable to be dismissed because the petitioners have neither impleaded those persons as party respondents in whose favour the lease is said to have been granted by the competent authority of Mines and Geology Department of State of Andhra Pradesh nor the document evidencing grant of lease has been placed on record.

In the affidavit filed by petitioner No.1 Shri D. Mohan Reddy in support of the writ petition, it has been averred that land measuring Ac.119.60 cents comprised in R.S.No.78 (old S.No.83) situated in Karumanupalli village, Tarlupadu Mandal, District Prakasham is being used by the villagers for grazing their cattle since time immemorial and attempts made by some persons to take possession thereof was frustrated by the decree passed by District Munsif, Kanigiri in O.S.No.115 of 1962, which was confirmed by the High Court in S.A.No.725 of 1966 decided on 19.2.1969. However, some persons have started mining operations on the basis of quarrying lease granted by Assistant Director, Mines and Geology, Markapur and Deputy Director, Mines and Geology, Arundalpet. It has been further averred that despite notices issued through the advocate and letter dated 15.12.2005 sent by Mandal Revenue Officer, Tarlupadu, the respondents have not taken action to stop the mining operations.

Learned counsel for the petitioners made a valiant effort to persuade us to entertain the writ petition despite the non-impleadment of the necessary parties and the failure of his clients to place on record the orders passed by the competent authority for grant of lease by arguing that they had made representation to the concerned authorities for stopping mining operations, and even the Mandal Revenue Officer had written to Collector, Ongole for taking steps for suspending the mining operations, but we have not felt impressed.

In our opinion, even though the rules of pleadings are not applicable in strict sense to the petitions filed in public interest, and in appropriate cases, the court can dispense with the requirement of producing a particular document, but the present one is not a case falling in that category and we are not inclined to entertain the petition ignoring the fundamental defects because –

(i) they are represented by a competent lawyer; and

ii. they can always approach the competent authority and apply for supply of the requisite information and documents by

invoking the provisions of Right to Information Act, 2005.

For the aforesatated reasons, the writ petition is dismissed leaving the petitioners free to file an application before the competent authority under the Right to Information Act, 2005 for seeking relevant information and documents and then file fresh petition. If the concerned authorities fails to supply the requisite information and documents within a reasonable period of one to two months, then the petitioners shall be free to file fresh petition.

G.S. SINGHVI, C.J.

16th February, 2006.

G.BHAVANI PRASAD, J.

ARS /vtv